UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: JASON ARY TARPLEY AND JENNIFER BEAM TARPLEY, DEBTOR(S)	{ { { { { {	CHAPTER 13 CASE NO. R16-42933-PWB JUDGE BONAPFEL

OBJECTION TO CONFIRMATION

COMES NOW MARY IDA TOWNSON, TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor(s)' payments under the proposed plan are not current.

2. Pursuant to information received from the Internal Revenue Service, 2013 tax returns have not been provided to the taxing authorities; thereby, preventing the Chapter 13 Trustee from evaluating the feasibility of the Chapter 13 plan, in violation of 11 U.S.C. Sections 1322(d) and 1325(a)(6).

3. Pursuant to the proposed plan, the Debtor has a domestic support obligation. Prior to confirmation the Debtor must provide to the Trustee evidence that all payments that have come due since the filing of the petition have been maintained. 11 U.S.C. Section 1325(a)(8); specifically, the plan list the domestic support obligation as priority.

4. The payout of the claim(s) owed to WFDS/WDS will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d).

5. Schedule I (Income) may fail to accurately reflect new employment for the Debtor wife with Lanier Parking since original Schedules filed, in violation of 11 U.S.C. Section 1329 and Bankruptcy Rule 1007.

6. Pursuant to information obtained at the meeting of creditors, it appears that the schedules fail to include total household income and expenses, thereby preventing the Chapter 13 Trustee from determining if all available income is being contributed to this repayment plan; specifically, the Debtor wife testified that her income has increased.

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7. The Debtor(s)' plan does not provide for payment of all of the Debtor(s)' disposable income to the Trustee for thirty-six (36) or more months as required by 11 U.S.C. Section 1325(b)(1)(B).

8. The Chapter 13 plan fails to provide for the assumption and funding or rejection of executory contract owed to Aaron’s Rents and Renter’s Warehouse in violation of 11 U.S.C. Section 365(b)(1)(C).

9. Schedule G fails to reflect the Debtor(s)' executory contract with Aaron’s Rents and Renter’s Warehouse.

10. The Chapter 13 budget fails to include expenses for lease payments; thereby, possibly rendering the proposed Chapter 13 plan payment to be infeasible, in violation of 11 U.S.C. Section 1325(a)(6).

11. The funding of post-petition lease installments have not been maintained in the above-styled Chapter 13 case; thereby rendering the present budget and proposed plan infeasible, 11 U.S.C. Section 1325 (a)(6).

12. The Debtor(s) has failed to fund post-petition child support installments; thereby possibly rendering the proposed Chapter 13 Plan infeasible, in violation of 11 U.S.C. Section 1325(a)(6).

13. The Debtor(s)’ Chapter 13 plan fails to provide for an increase in payments when direct payments at $100.00 per month for child support end; may show lack of good faith or create a disposable income problem in violation of 11 U.S.C. Sections 1325(a)(3) and 1325(b)(2)(A).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of this Debtor's (s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

__________/s/_____________
Albert C. Guthrie, Attorney
for Chapter 13 Trustee
GA Bar No. 142399

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CERTIFICATE OF SERVICE

This is to certify that I have this day served

DEBTOR(S):

JASON ARY TARPLEY
459 INDIAN TRAIL DRIVE
POWDER SPRINGS, GA 30127

JENNIFER BEAM TARPLEY
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ATTORNEY FOR DEBTOR(S):

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in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 31st day of January 2017

/s/
Albert C. Guthrie, Attorney
for Chapter 13 Trustee
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